

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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MARK DeGEORGE,

Civil No.  
**07 cv 2761 (RPP)**

Plaintiff,

- against -

**SUPPORTING  
AFFIDAVIT OF  
VICTOR A. CARR**

ACE AMERICAN INSURANCE COMPANY,

Defendant.

-----x  
STATE OF NEW YORK      )  
                              ) ss.:  
COUNTY OF NASSAU      )

VICTOR A. CARR, being duly sworn, deposes and says:

1. That I am a member of the firm of STOCK & CARR, ESQS., attorneys for the plaintiff in the above-entitled action and as such, I am submitting the within affidavit and Memorandum of Law in opposition to the motion of the defendant which seeks summary judgment relieving the defendant insurance company from any liability under it's policy of marine insurance.

2. I am also submitting this affidavit in support of plaintiff's cross-motion for summary judgment, submitted simultaneously herewith.

3. This Court is respectfully referred to this affirmand's Memorandum of Law submitted simultaneously herewith. It is submitted that

the defendant insurer failed to disclaim coverage in a proper and timely manner and that, as such, plaintiff's cross-motion should be granted, with findings that the defendant's disclaimer was invalid and that the defendant is obligated to defend and indemnify the plaintiff in the underlying personal injury action. It is further submitted that the defendant's motion for summary judgment should be denied in that the defendant has failed to eliminate all questions of fact.

**WHEREFORE**, it is respectfully requested that this court issue an order denying the defendant's motion in its entirety, granting plaintiff's cross-motion in its entirety, or for such other relief this Court feels is just and proper.

DATED: Mineola, New York  
October 22 , 2007

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**VICTOR A. CARR (VC 7542)**

Sworn to before me this  
22nd day of October, 2007

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Notary Public